

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

CAROL HUFFORD,	§	
	§	
Plaintiff,	§	CIVIL ACTION NO. 4:24-CV-00343-
v.	§	SDJ-AGD
	§	
THE KROGER CO., ET AL.,	§	
	§	
Defendants.	§	


**MEMORANDUM ADOPTING THE REPORT AND  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Before the Court is the Report and Recommendation (“Report”) of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. The Report, (Dkt. #29), recommends that Defendant Kroger Texas L.P.'s Rule 12(b)(6) Motion to Dismiss, (Dkt. #12), and Plaintiff Carol Hufford's Motion for Voluntary Dismissal of the Kroger Company, (Dkt. #24), be granted, that Defendant The Kroger Co.'s Motion for Summary Judgment, (Dkt. #17), be denied as moot, and that Plaintiff Carol Hufford's claims against Defendants be dismissed with prejudice. No Party filed an objection to the Report.

Having received the Report of the Magistrate Judge and all other relevant filings, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's Report as the findings and conclusions of the Court.

It is therefore **ORDERED** that Defendant Kroger Texas L.P.'s Rule 12(b)(6) Motion to Dismiss, (Dkt. #12), is **GRANTED**. It is further **ORDERED** that Plaintiff Carol Hufford's Motion for Voluntary Dismissal of the Kroger Company, (Dkt. #24), is **GRANTED**. It is further **ORDERED** that Defendant The Kroger Co.'s Motion for Summary Judgment, (Dkt. #17), is **DENIED as moot**. It is finally **ORDERED** that Plaintiff's claims are **DISMISSED WITH PREJUDICE**.

So **ORDERED** and **SIGNED** this 26th day of March, 2025.

  
SEAN D. JORDAN  
UNITED STATES DISTRICT JUDGE